

# Exhibit 28



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# Transcript of 190117\_1621\_Limited Confidentiality

**Case:** Caryn Devins Strickland -v- United States of America, et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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CONVERSATION

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"190117\_1621\_Limited Confidentiality"

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IN RE: CARYN DEVINS STRICKLAND V. UNITED STATES OF  
AMERICA, ET AL.

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20 Job No.: 479402

21 Pages: 1 - 62

22 Transcribed by: Christian Naaden

1 -- and that is just a matter that involves the EDR  
2 coordinator and the employee. But a ju- -- a judicial  
3 officer doesn't get involved at that stage.

4 MR. STRICKLAND: If you -- if you have a  
5 failure to state a actionable claim, it can be  
6 dismissed.

7 MR. ISHIDA: Well, I don't think that's the --  
8 that's not the purpose of the counseling period.

9 MR. STRICKLAND: What about mediation?

10 MR. ISHIDA: Well, I don't -- I -- I think --  
11 I think mediation is designed for just that. It is an  
12 attempt to mediate the dispute between the employee and  
13 the employing office.

14 MR. STRICKLAND: I mean, is it possible that -  
15 - that -- that the parties could go through mediation,  
16 and there's no -- whoever is the hold-up, there's no  
17 agreement that's reached. I mean, could it be dismissed  
18 prior to a hearing?

19 MR. ISHIDA: Well, I mean, let's -- let's --  
20 let's -- let's -- let's say that, okay, Caryn requests  
21 mediation, we go through mediation, and the mediator is  
22 unsuccessful. What happens then is the mediator just

1 says, we've reached an impasse, and I will declare  
2 mediation at an end. So we have not resolved the merits  
3 of any claim.

4 That would come at the formal stage if -- if  
5 Caryn wants to proceed and requests a hearing. Then at  
6 that time, you're going to -- Judge Gregory will  
7 appoint a judicial officer, and there will be -- there  
8 will be findings on the merits between that.

9 MR. STRICKLAND: Is that not --?

10 MR. ISHIDA: At -- at the end of -- at the end  
11 of that proceeding.

12 MR. STRICKLAND: Is that not what Heather was  
13 doing too though, making findings and conclusions?

14 MR. ISHIDA: Well, she -- she -- she's done an  
15 investigation, she has put down her impression, and --  
16 and her -- and her recommendations. They're not  
17 findings. I mean -- I mean, well, in the sense of this,  
18 you know -- this is, you know -- she has -- she has  
19 made --

20 Well, wha- -- the -- the -- what I wanted  
21 Heather to do was to say, okay, this is -- this is very  
22 helpful, but it -- it's almost like a chronology. And I